



MEDIATION FOR COPYRIGHT, TRADEMARK, AND BRANDING DISPUTES IN ESPORTS

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Abstract

The meteoric rise of esports has transformed the global gaming landscape but has also introduced intricate intellectual property (IP) disputes. From unauthorized use of game assets and copyright violations to trademark conflicts and branding disagreements, these disputes often span multiple jurisdictions and digital platforms, making traditional litigation slow, costly, and inefficient. Mediation, as a non-binding and flexible alternative dispute resolution (ADR) mechanism, offers a timely and effective solution. By facilitating dialogue between parties through a neutral mediator, mediation preserves confidentiality, reduces costs, and safeguards professional relationships, all while enabling creative and context-specific solutions. A pioneering initiative in this space is the International Games and Esports Tribunal (IGET), a collaboration between the Esports Integrity Commission (ESIC) and the World Intellectual Property Organization (WIPO). IGET provides a specialized framework for resolving IP disputes in esports, combining industry expertise with ADR principles to address the sector's fast-evolving and globalized nature. This paper critically examines the role of mediation in esports IP conflicts, drawing insights from case studies, industry practices, and the operational framework of IGET. It highlights the advantages of mediation over traditional legal processes and evaluates its potential for wider adoption to foster a sustainable, fair, and innovative esports ecosystem. By demonstrating how mediation can effectively resolve complex IP disputes in a digital, international context, this study underscores the importance of ADR in the emerging domain of esports law.

Keywords: Esports, Intellectual Property, Mediation, IGET, Copyright, Digital Assets.

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1. Introduction

Over the last decade, esports has evolved from a niche community of competitive gamers into one of the most dynamic and profitable industries in the world. Today, professional gaming has emerged as a major sector within the global entertainment economy. According to *Arizton Advisory & Intelligence*, the global esports market was valued at USD 1.96 billion in 2023 and is projected to reach USD 5.17 billion by 2029¹. Such a network now connects game developers, professional players, tournament organizers, and streaming platforms—each heavily relying on the intellectual property that underpins every game, competition, and brand. Intellectual property is the foundation of esports; it shapes who controls a game, who can profit from it, and how it can be shared or adapted. As the industry matures, disputes over copyrights, trademarks, and branding have become both more common and complex.

There are different types of conflicts which are present. Copyright disputes often revolve around creative ownership and the unauthorized use of game elements. One of the most famous examples in recent history was between PUBG Corporation and Epic Games, in which the creators of PlayerUnknown's Battlegrounds accused Fortnite of copying its signature gameplay mechanic, "battle royale."² Although the dispute was later withdrawn, it reflected tensions between innovation and imitation within a fast-moving digital market. Trademark and branding issues are similarly important. They shape how games, teams, and tournaments are identified and promoted across global markets. In the sports simulation genre, for instance, *Electronic Arts* holds official FIFA licenses granting exclusive rights to use real-world team names and logos, whereas *Konami's Pro Evolution Soccer* operates under narrower branding permissions.³ These distinctions influence not only the perceived authenticity of each game but also demonstrate how trademark licensing directly affects competitive dynamics within the market. Moreover, disputes over licensing and royalties, particularly those involving revenue sharing or unauthorized

¹ Arizton Advisory & Intel., *Esports Market - Global Outlook & Forecast 2024–2029* (published Feb. 2025, last updated Feb. 2026), <https://www.arizton.com/market-reports/esports-market-report> (last visited Mar. 31, 2026).

² Sohee Kim & Yuji Nakamura, *Fortnite Copyright Infringement Lawsuit Dropped by PUBG*, Bloomberg (June 26, 2018), <https://www.bloomberg.com/news/articles/2018-06-27/pubg-drops-lawsuit-against-creators-of-gaming-phenom-fortnite>.

³ Electronic Arts Inc., *Introducing EA SPORTS FC™: The Next Chapter of the World's Game* (Apr. 6, 2023), <https://www.ea.com/news/introducing-ea-sports-fc>; *EA Sports and FIFA End Partnership, Both Eye New Video Games*, Associated Press (May 11, 2022, 1:29 AM), <https://apnews.com/article/soccer-sports-gaming-business-arts-and-entertainment-9c1e4d6d8eabf4b3d9c6f4b7c3a4a6b2>.

broadcasting frequently come before international bodies such as WIPO, underscoring the challenges of managing intellectual property rights in an industry that is fundamentally online and inherently transnational.⁴⁵

The inherently digital and cross-border character of esports sits uneasily with the constraints of traditional litigation. Court-based processes are slow, expensive, and bounded by national jurisdictions. One dispute can launch parallel lawsuits in several countries, taking time and resources and often yielding inconsistent results. Besides, parties are naturally averse to litigation before foreign courts due to the perceptions of local bias or disadvantageous procedure. The real absence of neutrality and rigid legal structures fitted for territorially bound disputes make litigation today ill-equipped for a modern, fast-moving global industry that requires cooperation, continuity, and reputation.

These challenges have driven towards the usage of Alternative Dispute Resolution approaches, especially mediation. Mediation provides a collaborative and confidential setting where parties can achieve legal certainty but with the help of commercially flexible solutions. Everybody wins in mediation as it concentrates on mutual interests, enabling stakeholders to negotiate licensing deals, resolve brand disputes, or even plot future partnerships. Confidentiality is an important aspect in esports, where publicly aired disputes will inevitably damage not just sponsorships but also reputations and investor confidence. Mediation also provides parties control over the process, from mediator selection to decisions on whether proceedings should be in-person or online. That makes it very well-suited to the digital realities of esports.

Through its Arbitration and Mediation Center, the World Intellectual Property Organization has developed specialized mechanisms for resolving IP and technology disputes-many of which increasingly involve video games and esports-building on this foundation, the *International Games and Esports Tribunal (IGET)* - a cooperation between WIPO and the Esports Integrity Commission - has been created to provide neutral, industry-specific mediation and arbitration services. These initiatives mark a clear step toward formalizing ADR practices within the esports ecosystem, offering stakeholders a truly effective, expertly

⁴Keith Stuart, *PUBG Drops Fortnite Game Lawsuit Without Explanation*, The Guardian (June 28, 2018, 4:22 PM BST), <https://www.theguardian.com/games/2018/jun/28/pubg-drops-fortnite-lawsuit-epic-games>

⁵Konami Digital Entertainment B.V., *Licences* / *eFootball™ Official Site*, https://www.konami.com/efootball/en/page/license_efootball (last visited Mar. 31, 2026); Konami Digital Entertainment B.V., *Partner Clubs* | *eFootball™ Official Site*, https://www.konami.com/efootball/en/page/partner_clubs

led, and internationally recognized avenue to resolve conflicts.

Mediation not only addresses the shortcomings associated with traditional litigation with a unique combination of neutrality, confidentiality, and flexibility but also supports the collaborative spirit marking competitive gaming. In an industry based on creativity and community, mediation offers a way forward that balances legal certainty with commercial harmony.

2. Intellectual Property in Esports

Intellectual property rights lie at the heart of the esports world, shaping who owns, controls, and profits from its creative and commercial assets⁶. Everything in competitive gaming from the code that powers a title to the logos of teams and tournaments rests on a network of copyright, trademark, and related protections.⁷ Understanding how these rights overlap and interact is key to making sense of both the growth and the legal tensions that define today’s esports industry.⁸⁹

2.1 Copyright in esports

Copyright is, for the most part, at the heart of esports. It guards the creative expression within a video game, encompassing things like its software code, character design, artwork, dialogue, and audiovisual presentation. Under most copyright regimes, the game publisher or developer enjoys exclusive rights to reproduce, distribute, and adapt the work. This extends to how the game may be used for public performances such as tournaments or live-streamed events. Unlike traditional sports, where the game itself is not “owned” by anyone, the whole eSports environment, its rules, visuals, and even the gameplay elements are within the proprietary framework laid down by a rights holder.

2.2 Trademark law in Esports

Trademark law runs parallel and is equally important. It regulates the symbols, names, and logos through which teams, publishers, tournaments, and sponsors differentiate themselves in a competitive marketplace.

⁶*Benz, Esports and Dispute Resolution* (2019)

⁷*Intellectual Property Rights in Esports – Esports IP Law* (Esports Legal 2021)

⁸*Intellectual Property Governance in Esports* (WIPO 2022)

⁹Calvin R. Nelson & William C. Lawrence, *IP Considerations of Esports*, Lexology (Jan. 31, 2022), <https://www.lexology.com/library/detail.aspx?g=f96a04a4-1200-46a5-a00e-cf56567a040c>.

Trademarks secure the commercial identity of esports entities, serving as key assets for monetization through sponsorships, merchandise, and franchising.¹⁰ In the case of game publishers, trademarks protect not only the names of their titles but also associated visual elements—for example, the "League of Legends" logo or the "Call of Duty" insignia—that carry immense goodwill.¹¹ For teams and event organizers, marks such as team logos or event titles—for example, The International or Overwatch League—function as brand anchors for fan recognition and commercial investment. Trademark disputes are, consequently, not infrequent, particularly when unlicensed parties seek to capitalize on the reputation of established brands or when overlapping sponsorships blur the lines of permissible use.¹²

2.3 Branding in Esports

Branding extends beyond formal trademark registration to include the broader commercial identity and personality cultivated around games, players, and organizations.¹³ The image rights of professional players—encompassing their in-game avatars, digital likenesses, and endorsements—are part of this branding economy. These rights often overlap with both copyright and trademark law, especially within merchandising, streaming, and promotional collaborations. For example, the design of a team's jersey may be protected under trademark law, the broadcast of a match under copyright, and an endorsement deal by a player under the right of publicity. These converging protections create opportunities for revenue generation and potential flashpoints for dispute, especially when contracts do not clearly allocate ownership or licensing terms among publishers, teams, and individual players. The overlapping nature of these rights creates complex questions of control and exploitation. Through ownership of the underlying game, publishers have a determinative level of control over the esports environment. However, streamers, tournament organizers, and teams also generate valuable derivative works—such as match footage, highlight reels, and branded merchandise—that rely on the publisher's underlying IP.¹⁴

The layered nature of esports content often leaves everyone wondering who really owns the rights to broadcast or remix a piece of media. Each creative step builds on a pre-existing work, and that stack of

¹⁰Ritu Tiwari, *Trademark in Sports A Critical Analysis* (Apr. 2, 2024)

¹¹WIPO ADR for Video Games and Esports Disputes, WIPO-IP-BIS-GE/03/9-Main1 (2003).

¹² World Intell. Prop. Org., *Intellectual Property and Esports: 2. Esports and Intellectual Property*, <https://www.wipo.int/web-publications/intellectual-property-and-esports/en/2-esports-and-intellectual-property.html> (last visited Mar. 31, 2026).

¹³Rupa Khanna Malhotra, *Branding in eSports: An Empirical Analysis of the Specifics of Public Relations Compared to Traditional Sports*, 55(1) *Psychology & Education Journal* 1 (2023),

¹⁴WIPO Arbitration and Mediation Center – ADR for Video Games and Esports Disputes, WIPO-PUB-RN2022-15 (2022).

copyrights can create a haze of uncertainty. In reality, these relationships are kept afloat by a mix of license deals, platform terms, and sponsorship contracts, yet gray areas still spark frequent disputes.¹⁵ At its core, intellectual property draws the competitive and commercial borders of esports. Copyright gives creators control over their work, trademarks protect a brand’s market identity, and branding ties together the economic ties that fuel the industry. Ironically, the very protections that help the sector grow also generate friction when interests clash. As esports expands across borders and media formats, the challenge will be to balance the rights of publishers with the creative and commercial freedom of teams, players, and organizers. This tension offers a fertile arena for mediation and other flexible dispute-resolution tools to step in and smooth the way forward.¹⁶

3. Nature of Intellectual Property Disputes in Esports

As esports evolves into a billion-dollar global industry, disputes over intellectual property (IP) have become both frequent and complex. These conflicts emerge from overlapping claims of ownership, use, and monetization among publishers, teams, streamers, and sponsors. The principal categories of IP disputes, copyright infringement, trademark misuse, and branding and sponsorship conflicts reflect the competing commercial and creative interests of a digital, transnational marketplace.

3.1. Copyright Disputes in Competitive Gaming

Copyright disputes in esports commonly involve the unauthorized reproduction, modification, or broadcast of protected game content¹⁷. Publishers assert control over in-game assets, but the industry’s success depends on derivative uses such as streaming, tournaments, and fan-made media.

In *Blizzard Entertainment, Inc. v. Bossland GmbH*¹⁸, the court found that the sale of cheat software for

¹⁵ Bhavpreet Soni, *Legal Perspectives on IP Rights in Esports and Gaming Tournaments: Legal Considerations*, SonisVision (Dec. 21, 2024), <https://www.sonisvision.in/blogs/legal-perspectives-on-ip-rights-in-esports-and-gaming-tournaments-legal-considerations>.

¹⁶ Dhritiraj Paul Choudhary & Madhabendu Chakraborty, *Intellectual Property and User Rights in Video Games and Esports: A Normative Quest* (Oct. 8, 2025), https://www.researchgate.net/publication/396245096_Intellectual_Property_and_User_Rights_in_Video_Games_and_Esports_A_Normative_Quest.

¹⁷ World Intell. Prop. Org., *Intellectual Property and Esports: 2. Esports and Intellectual Property*, <https://www.wipo.int/web-publications/intellectual-property-and-esports/en/2-esports-and-intellectual-property.html>

¹⁸ *Blizzard Ent., Inc. v. Bossland GmbH*, No. SACV 16-1236-DOC (KESx), 2017 WL 412262 (C.D. Cal. Jan. 25, 2017).

Overwatch and *World of Warcraft* infringed Blizzard’s copyrights and violated unfair competition law. Similarly, *Take-Two Interactive Software, Inc. v. Zipperer*¹⁹ held that the unauthorized sale of “mod menus” for *Grand Theft Auto V* constituted infringement of derivative works. Internationally, *PUBG Corp. v. Epic Games, Inc.*²⁰ though later highlighted the difficulty of distinguishing between protected creative expression and general gameplay mechanics²¹.

Streaming adds further complexity. Under the Digital Millennium Copyright Act of 1998²² publishers may issue takedown notices for unlicensed gameplay footage, but enforcement remains contentious because streaming is integral to esports promotion and community growth.

3.2. Trademark Misuse and Cybersquatting

Trademark disputes in esports arise when logos, team names, or tournament titles are used without authorization, creating confusion or diluting brand value. In *Riot Games, Inc. v. NetEase, Inc.*²³, the developer of *League of Legends* sued the creators of *Mobile Legends* for using similar marks and branding that misled consumer. Likewise, *Valve Corp. v. CS:GO Lotto, Inc.*²⁴ exposed unauthorized use of the *Counter-Strike* brand to promote unlicensed skin-betting, prompting both IP and regulatory enforcement. Cybersquatting has also become a recurring challenge. The World Intellectual Property Organization (WIPO) administers the Uniform Domain Name Dispute Resolution Policy (UDRP) to address bad-faith registrations of esports domains the panel ordered the transfer of a domain registered in bad faith, reaffirming WIPO’s growing role in online brand protection.²⁵²⁶

3.3. Branding, Sponsorship, and Endorsement Conflicts

¹⁹*Take-Two Interactive Software, Inc. v. Zipperer*, No. 1:18-cv-03844 (S.D.N.Y. 2018)

²⁰*PUBG Corp. v. Epic Games, Inc.*, No. 2018GaHap527207 (Seoul Cent. Dist. Ct. 2018)

²¹ James Batchelor, *PlayerUnknown’s Battlegrounds Dev Drops Lawsuit Against Fortnite*, GamesIndustry.biz (June 27, 2018), <https://www.gamesindustry.biz/playerunknowns-battlegrounds-dev-drops-lawsuit-against-fortnie>.

²²Digital Millennium Copyright Act of 1998, 17 U.S.C. § 512 (1998)

²³*Riot Games, Inc. v. NetEase, Inc.*, No. 2:18-cv-03934 (C.D. Cal. 2018)

²⁴ *Valve Corp. v. CS:GO Lotto, Inc.*, FTC File No. 162-3184 (2017)

²⁵ World Intellectual Property Org., *WIPO Overview of WIPO Panel Views on Selected UDRP Questions* (2022). In *TeamLiquid.com* (WIPO Case No. D2019-2901 (2019))

²⁶ WIPO Arbitration and Mediation Center, *WIPO Guide to the Uniform Domain Name Dispute Resolution Policy (UDRP)*, <https://www.wipo.int/amc/en/domains/guide/> (last visited Mar. 31, 2026).

Branding and endorsement conflicts stem from sponsorship exclusivity, influencer contracts, and image-rights disputes²⁷. In *FaZe Clan v. Tfue*²⁸ professional gamer Turner “Tfue” Tenney alleged that his team’s contract unfairly restricted independent sponsorship income revealing systemic imbalances in player agreements and prompting industry-wide reforms.

Comparable tensions emerged in *UFC Que Choisir v. EA Sports*²⁹, where regulators questioned unlicensed use of athlete likenesses, a concern echoed in esports’ use of streamer and player identities. Regulatory intervention followed in *Federal Trade Commission v. CSGOLotto, Inc.*³⁰ where undisclosed paid promotions violated the FTC Endorsement Guides³¹, illustrating how IP and advertising standards intersect in influencer-driven marketing.

3.4. Jurisdictional and Contractual Complexities

The global and digital structure of esports multiplies jurisdictional conflicts and enforcement challenges. In *Epic Games, Inc. v. Apple, Inc.*³², the court examined Apple’s “anti-steering” rules that limited developer communications, highlighting how contractual dominance within digital ecosystems constrains market access, an issue mirrored in publisher-controlled esports environments.

Cross-border enforcement further complicates matters. *Valve Corp. v. Ironburg Inventions Ltd*³³ illustrated the difficulties of enforcing hardware-related IP claims internationally. As games and peripherals are licensed rather than sold, EULAs typically assign jurisdiction to publishers, limiting neutral adjudication³⁴. To address this, industry players increasingly turn to ADR. The WIPO Arbitration and Mediation Center provides confidential, expert, and cross-border procedures, making mediation and arbitration the preferred means for resolving esports IP disputes. Cases like *Blizzard Entertainment v.*

²⁷ Dhritiraj Paul Choudhary & Madhabendu Chakraborty, *Intellectual Property and User Rights in Video Games and Esports: A Normative Quest* (Oct. 8, 2025),

²⁸ *FaZe Clan v. Tfue* (No. BC654889 (Cal. Super. Ct. 2019)

²⁹ *UFC Que Choisir v. EA Sports* (Tribunal Judiciaire de Paris, 2017)

³⁰ *Federal Trade Commission v. CSGOLotto, Inc.* (FTC File No. 162-3184 (2017)

³¹ FTC Endorsement Guides (16 C.F.R. § 255 (2023)

³² *Epic Games, Inc. v. Apple, Inc.* (559 F. Supp. 3d 898 (N.D. Cal. 2021)

³³ *Valve Corp. v. Ironburg Inventions Ltd.* (No. 2020-1315 (Fed. Cir. 2021)

³⁴ Pranav, A View from Intellectual Property Law: Do You Really Own the Video Games You Buy?, IIPRD Blog (Aug. 22, 2025), <https://www.iiprd.com/a-view-from-intellectual-property-law-do-you-really-own-the-video-games-you-buy-the-legal-truth-behind-game-ownership-in-india/>

*Bossland GmbH*³⁵ and *FaZe Clan v. Tfue*³⁶ highlight challenges of ownership, jurisdiction, and contractual imbalance. As esports expands globally, WIPO-based ADR offers a practical framework to protect innovation and ensure fair competition³⁷.

4. Mediation in Esports IP Disputes

The esports industry has evolved into one of the most dynamic sectors of the global digital economy, with early projections already predicting revenues exceeding USD 1.5 billion by 2020³⁸. Its exponential rise has created a commercially dense ecosystem composed of publishers, teams, sponsors, broadcasters, and tournament organizers each with overlapping intellectual property (IP) interests. Copyright protects the game's audiovisual components, trademark law governs branding and logos, and contract law regulates sponsorship and broadcasting rights.

Given this web of interdependence, disputes are almost inevitable ranging from unauthorized use of content to disagreements over licensing fees and sponsorship obligations. However, the industry's habitual reliance on traditional litigation has proven counterproductive. The public, slow, and adversarial nature of court processes often disrupts collaboration and damages brand equity, as seen in *Epic Games, Inc. v. Apple, Inc.*, where a contractual conflict over in-app payment systems escalated into a multi-year, globally publicized legal battle.

In contrast, mediation defined as a voluntary, confidential process facilitated by a neutral third party to help parties reach a mutually acceptable settlement offers a more adaptable and commercially sustainable solution. Within esports, where time, relationships, and reputation are crucial, mediation aligns far better with the industry's collaborative DNA.

4.1 Mediation and its application to Esports

³⁵ Blizzard Ent., Inc. v. Bossland GmbH, No. SACV 16-1236-DOC (KESx), 2017 WL 412262 (C.D. Cal. Jan. 25, 2017)

³⁶ Taylor R. Kelly, *Tfue v. FaZe Clan: Three-Ring Litigation Circus to Continue in 2020*, Nat'l L. Rev. (Jan. 21, 2020), <https://natlawreview.com/article/tfue-v-faze-clan-three-ring-litigation-circus-to-continue-2020>

³⁷ World Intellectual Property Organization, *WIPO Arbitration and Mediation Center*, <https://www.wipo.int/amc/en/> (last visited Mar. 31, 2026).

³⁸ PricewaterhouseCoopers, *E-sport's Moving into the Big Leagues* (2018); *Intellectual Property Rights in Esports – Esports IP Law* (2023)

Mediation's defining features: voluntariness, neutrality, confidentiality, and flexibility make it an ideal mechanism for resolving disputes in a global digital market like esports.

- **Voluntariness and Party Autonomy**- Voluntariness means that parties enter and exit mediation by consent, retaining full control over outcomes³⁹. This is particularly valuable in esports, where stakeholders often remain commercially dependent on one another. For example, a publisher and tournament organizer disputing royalty terms may prefer a restructured partnership to termination. Mediation allows them to negotiate new arrangements that align with shared interests, rather than impose a rigid court order. This autonomy preserves continuity and mitigates reputational fallout an advantage traditional litigation cannot provide.
- **Neutrality**- Neutrality refers to the independence of the mediator, who facilitates communication rather than decides the case. In cross-border esports disputes, this is critical: a team from Europe and a publisher from the U.S. may both distrust litigating in the other's home jurisdiction. Through mediation, they can appoint a neutral mediator potentially from a third country, agree on procedural language, and craft a culturally balanced process. This creates an environment of equality and procedural fairness that litigation rarely affords.
- **Confidentiality**- Confidentiality ensures that the mediation process, its disclosures, and the resulting settlement remain private. This safeguard is essential in esports, where proprietary game mechanics, undisclosed sponsorship contracts, and unreleased products form the basis of many disputes. In litigation, such sensitive information could become public and affect share prices or consumer trust. In mediation, parties can discuss trade secrets or revenue models without risking exposure.
- **Flexibility**- Flexibility means that parties design the process to fit their needs selecting meeting formats, timelines, and even hybrid settlement terms. For esports, where disputes may involve streaming rights or platform royalties, mediation can incorporate technical experts or digital evidence sessions. This procedural agility mirrors the industry's own innovation-driven pace and ensures disputes are resolved without interrupting major tournaments or broadcasting schedules.⁴⁰

³⁹ World Intellectual Property Org., *Dispute Resolution for the 21st Century*

⁴⁰ World Intellectual Property Org., *WIPO Alternative Dispute Resolution Options* (2022)

4.2 Comparative Perspective: Litigation, Arbitration, and Mediation

Understanding mediation's practical superiority requires contrasting it with the traditional mechanisms of litigation and arbitration.

Litigation, the process of resolving disputes in public courts offers legal authority and precedent but suffers from long timelines, high costs, and limited international enforceability. For instance, *Epic Games, Inc. v. Apple, Inc.*⁴¹ demonstrates how a sixteen-day bench trial and multi-year appeals can exhaust resources and fracture partnerships.

Arbitration private adjudicative process where a neutral arbitrator renders a binding award, addresses some of litigation's inefficiencies. It is more confidential and enforceable across borders under the New York Convention (1958)⁴² but remains adversarial and often expensive, with outcomes leaving one party dissatisfied.

Mediation is a collaborative negotiation process assisted by a neutral facilitator avoids these pitfalls. It is faster (often resolved in weeks), significantly cheaper, and globally enforceable under the *Singapore Convention on Mediation (2019)*⁴³. According to WIPO's empirical data, over 70% of mediations end in full settlement, a figure that rose to 78% in 2021. The combination of speed, confidentiality, and enforceability makes mediation uniquely compatible with the operational tempo of esports.

4.3 Fostering Creative and Relationship-Preserving Outcomes

The most practical benefit of mediation lies in its ability to generate interest-based solutions/outcomes shaped by commercial creativity rather than legal rigidity.

For example:

- In a licensing dispute between a publisher and a tournament organizer, mediation might yield a revised royalty structure or joint revenue-sharing model linked to live-stream viewership instead of a one-time damages award.
- In a trademark conflict between two teams, instead of forcing a rebrand, parties could agree to a

⁴¹ *Epic Games, Inc. v. Apple, Inc.* (559 F. Supp. 3d 898 (N.D. Cal. 2021))

⁴² Convention on the Recognition and Enforcement of Foreign Arbitral Awards, June 10, 1958, 330 U.N.T.S. 3.

⁴³ Mediation, *Esports Legal News* (2024)

co-branded merchandise line or joint sponsorship campaign, turning potential litigation losses into expansion.

- In technology or broadcasting disputes, such as conflicts over proprietary streaming software, mediation could lead to a technology-sharing or joint R&D agreement that benefits both parties.

These outcomes are impossible in litigation or arbitration, where remedies are confined to monetary awards or injunctions. Mediation, by contrast, allows solutions that sustain partnerships, protect reputations, and create new commercial value.⁴⁴

4.6 The WIPO Framework: A Global Platform for Esports Mediation

The World Intellectual Property Organization (WIPO) Arbitration and Mediation Center provides the world's leading institutional structure for resolving IP and technology disputes. With a panel of over 2,000 mediators and arbitrators globally, WIPO offers expertise that is both sector-specific and procedurally robust⁴⁵.

Its mediation rules explicitly address the handling of technical evidence, trade secrets, and cross-border enforcement issues precisely the challenges that define esports conflicts. WIPO's esports-focused ADR frameworks have already been applied to disputes over streaming rights, game licensing, and sponsorship obligations, providing neutral, enforceable resolutions. Importantly, WIPO reports a settlement success rate of over 70% across its mediation caseload⁴⁶, confirming that structured institutional support enhances both efficiency and trust in the process.

By combining mediation's procedural adaptability with WIPO's expertise and neutrality, esports stakeholders gain access to a truly global, credible mechanism that aligns with their commercial realities.

4.7 Conclusion: A Strategic Imperative for a Maturing Industry

The modern esports ecosystem built on creativity, speed, and global interdependence demands a dispute resolution model that reflects those same qualities. Traditional litigation is too rigid, too public, and too

⁴⁴ *United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention on Mediation)*, Dec. 20, 2018, 58 I.L.M. 1322 (2019)

⁴⁵ World Intellectual Property Org., *WIPO Alternative Dispute Resolution Options* (2022)

⁴⁶ World Intellectual Property Org., *WIPO ADR Statistics* (2023)

destructive to sustain an industry reliant on ongoing partnerships. Arbitration, though private, still imposes a win–lose outcome that risks alienating key collaborators.

Mediation offers a fundamentally different paradigm: a process built on dialogue, flexibility, and mutual benefit. Administered through WIPO’s specialized institutional framework, it provides neutrality, enforceability, and commercial sensitivity in equal measure. For a maturing, billion-dollar industry that thrives on innovation and collaboration, embracing mediation is not just an alternative it is a strategic necessity for preserving relationships, reducing risk, and promoting sustainable growth in the evolving global esports ecosystem.

5. The International Games and Esports Tribunal (IGET) and WIPO Collaboration

5.1 Introduction: The Need for Centralized Adjudication in Esports

As the esports industry continues its rapid transformation into a multibillion-dollar global sector, the lack of a unified and specialized dispute resolution framework remains a pressing governance challenge. The industry’s cross-border nature, complex contractual relationships, and heavy reliance on intellectual property (IP) have exposed the limits of fragmented, game-specific regulatory systems. A coherent institutional mechanism modelled after the *Court of Arbitration for Sport (CAS)*⁴⁷ in traditional athletics has become essential to ensure procedural consistency, neutrality, and efficiency in resolving esports disputes.

This section conceptualizes the International Games and Esports Tribunal (IGET) as a collaborative initiative between the World Intellectual Property Organization (WIPO) and the Esports Integrity Commission (ESIC). Drawing on WIPO’s global expertise in IP-focused Alternative Dispute Resolution (ADR) and ESIC’s established integrity enforcement mechanisms, IGET represents a forward-looking hybrid forum tailored to the needs of the digital gaming economy.

5.2 The WIPO-ESIC Collaborative Framework: Dual Institutional Pillars

The IGET framework would function through two complementary pillars, combining commercial/IP

⁴⁷ Court of Arbitration for Sport: *Code of Sports-Related Arbitration and Mediation*, art. S1, (Feb. 1, 2023)

adjudication under WIPO with integrity and disciplinary governance under ESIC. This dual structure ensures that both economic and ethical dimensions of esports disputes are addressed within a harmonized system.

(a) WIPO: The Intellectual Property and Commercial Pillar: WIPO serves as the neutral, international institution specializing in IP and technology-related ADR. Its Arbitration and Mediation Center provides mechanisms including mediation, arbitration, and expert determination that are time-efficient, confidential, and internationally enforceable. In the esports context, WIPO's jurisdiction would extend to disputes concerning copyright ownership, licensing terms, royalty payments, and streaming rights.

Given the rise of high-profile conflicts such as *Epic Games, Inc. v. Apple, Inc.*, where contractual disagreements between developers and platform owners exposed the fragility of the current system, WIPO's ADR procedures offer an effective means of achieving resolution without protracted, jurisdictionally fragmented litigation.

(b) ESIC: The Integrity and Governance Pillar: ESIC's mandate focuses on maintaining fairness, ethical conduct, and anti-corruption standards in esports competitions. Its comprehensive Integrity Program anchored in a Code of Conduct, Anti-Corruption Code, and Anti-Doping Code has become the de facto integrity framework for competitive gaming. Within the IGET model, ESIC would handle disciplinary and regulatory proceedings, referring commercial or IP-related disputes to WIPO for ADR proceedings. This integrated approach merges legal and ethical enforcement under one cohesive architecture.⁴⁸

5.3 Institutional Design and Procedural Mechanisms

The IGET model would adopt a hybrid ADR framework, combining flexibility with procedural rigor. WIPO's suite of dispute resolution tools would form its operational core:

- Mediation, a voluntary and confidential negotiation facilitated by a neutral expert, ideal for preserving commercial relationships between publishers, teams, and event organizers.
- Arbitration, a binding adjudicative process enforceable across borders under the New York

⁴⁸ Esports Integrity Commission (ESIC): Esports Integrity Commission (ESIC), About Us, <https://esic.gg/> (last visited Nov. 2, 2025).

Convention (1958), providing predictability for high-value international disputes

- Expert Determination, particularly suited for technical disputes such as the valuation of in-game assets or the functionality of streaming technology.

In addition to procedural sophistication, IGET would utilize digital-first infrastructure, integrating features such as secure e-docket filing, virtual hearings through encrypted video platforms, and asynchronous case management via WIPO's eADR system. This digital accessibility reflects the online nature of esports and ensures global participation at reduced cost.

5.4 Comparative Perspective: IGET and the Court of Arbitration for Sport (CAS)

While the CAS in Lausanne has long served as the definitive tribunal for international sporting disputes, its model was designed for physical sports governed by federations with centralized authority. Esports, by contrast, operates as a publisher-driven and decentralized ecosystem, where IP ownership and platform control fragment regulatory authority.

IGET adapts the CAS model to meet these unique challenges. Like CAS, it provides a neutral, globally recognized adjudicatory forum, but it diverges by embedding IP and commercial law expertise within its procedures. Furthermore, IGET's hybrid format allows digital filings, virtual hearings, and multi-party proceedings features essential for the fast-paced and borderless esports environment.

In practical terms, whereas CAS decisions rely heavily on physical evidence and federated oversight, IGET decisions would often involve digital data, licensing contracts, and technical verification reports, emphasizing transparency, speed, and cross-border enforceability.⁴⁹

5.5 Institutional Synergy and Specialized Expertise

The effectiveness of IGET depends not only on procedural design but also on human expertise. WIPO's global panel of over 2,000 mediators and arbitrators ensures access to specialists fluent in both IP law and digital business models, while ESIC's investigators bring in-depth understanding of competitive integrity and esports culture.⁵⁰

⁴⁹World Intellectual Property Org., *WIPO ADR for Video Games and Esports Disputes* (2022)

⁵⁰ International Games & Esports Tribunal (IGET): International Games & Esports Tribunal (IGET), About Us, https://iget.gg/about_us.html (last visited Nov. 2, 2025)

This collaboration ensures that disputes are resolved by neutrals with both technical and contextual fluency, a crucial advantage over generalist courts. Moreover, the use of confidential and enforceable settlements under the Singapore Convention on Mediation (2019) enhances global trust in outcomes, offering a stable legal environment for investors and stakeholders.

5.6 The Future of Institutionalized Esports Governance

The proposed IGET-WIPO collaboration represents a significant leap toward institutional maturity in global esports governance. By merging WIPO's IP adjudicatory capabilities with ESIC's regulatory oversight, this framework provides a balanced, transparent, and technologically adaptive model for dispute resolution.

Its adoption could yield three transformative outcomes:

1. **Enhanced Integrity:** Through ESIC's anti-corruption and fair play enforcement.
2. **Procedural Standardization:** Through consistent, international ADR procedures applicable across publishers and jurisdictions; and
3. **Commercial Confidence:** Through the neutrality, confidentiality, and enforceability that WIPO-based mediation and arbitration provide.⁵¹

In essence, IGET would not merely replicate CAS for the digital age, it would transcend it, serving as a model for how global industries built on intellectual property, technology, and cross-border participation can design dispute resolution systems that are both just and future-ready.

6. Challenges and Future of Mediation in Esports

The global esports industry has matured into a multi-billion-dollar ecosystem, intertwining technology, commerce, and international competition. Yet, despite this explosive growth, its legal and dispute resolution infrastructure remains underdeveloped compared to its economic scale. The gap between commercial expansion and regulatory sophistication has led to systemic vulnerabilities ranging from contractual ambiguities to power asymmetries and fragmented jurisdictional oversight. This section critically examines these limitations and proposes concrete reforms aimed at institutionalizing mediation

⁵¹Shinohara, *The Role of the National Esports Federation for Integrity Issues* (2023)

as the preferred mechanism for resolving esports disputes in a coherent, standardized global framework.⁵²

6.1 The Absence of Standardized Mediation Clauses

Unlike traditional commercial sectors where mediation clauses are routine, esports contracts rarely contain structured dispute resolution provisions. Player agreements, sponsorship deals, and licensing contracts often omit mediation entirely, pushing parties into litigation or arbitration as default remedies. A stark illustration of this gap is seen in *Epic Games, Inc. v. Apple, Inc.*,⁵³ where the absence of an agreed ADR clause within Apple’s Developer Program Licensing Agreement (DPLA) escalated a commercial disagreement into a multi-year antitrust and contract battle across multiple jurisdictions. This lack of pre-emptive ADR mechanisms contrasts sharply with WIPO’s recommended model clauses designed to promote early negotiation and mediation. Without standardized contractual commitments to mediation, the industry remains vulnerable to protracted and expensive legal disputes.⁵⁴

6.2 Power Asymmetry Between Publishers and Stakeholders

A defining structural challenge within esports is the vast power disparity between publishers who own and control the intellectual property underpinning all competitive activity and the dependent stakeholders: teams, players, event organizers, and sponsors. Publishers exercise near-total control over licensing, tournament access, and content monetization, effectively dictating the terms of competition. As seen in *Epic Games v. Apple*, such dominance allows platform owners to enforce “walled garden” ecosystems that limit negotiation, foster non-negotiable contracts, and inhibit the use of neutral mediation mechanisms. This asymmetry discourages weaker parties from invoking dispute resolution procedures for fear of reprisal or exclusion from future competitions. Thus, mediation’s potential to provide a balanced and cooperative platform remains underutilized in practice.⁵⁵

6.3 Jurisdictional Fragmentation and Cross-Border Complexity

⁵² Arizton Advisory & Intel., *Esports Market - Global Outlook & Forecast 2024–2029* (published Feb. 2025, last updated Feb. 2026), <https://www.arizton.com/market-reports/esports-market-report> (last visited Mar. 31, 2026).

⁵³ *Epic Games, Inc. v. Apple, Inc.*

⁵⁴ World Intellectual Property Organization, *Mediation*, <https://www.wipo.int/amc/en/mediation/index.html> (last visited Mar. 31, 2026).

⁵⁵ World Intell. Prop. Org., *Intellectual Property and Esports: 2. Esports and Intellectual Property*, <https://www.wipo.int/web-publications/intellectual-property-and-esports/en/2-esports-and-intellectual-property.html> (last visited Mar. 31, 2026).

Esports is inherently transnational. Players, publishers, and tournaments span multiple jurisdictions, often involving divergent legal systems and regulatory standards. This fragmentation creates procedural uncertainty, especially where national laws on digital commerce and IP protection differ. Unlike traditional sports governed by uniform systems such as the Court of Arbitration for Sport (CAS), esports governance is decentralized, with multiple bodies like the Esports Integrity Commission (ESIC)⁵⁶, the Global Esports Federation (GEF), and the International Esports Federation (IESF)⁵⁷ issuing overlapping frameworks. The result is an uneven global enforcement landscape that undermines the predictability and legitimacy of mediated settlements. Without harmonized procedural rules, even successfully mediated agreements risk inconsistent treatment across borders.⁵⁸

6.4 The Limited Enforceability of Mediated Outcomes

Historically, mediation’s main weakness has been its lack of a globally recognized enforcement framework. While arbitral awards benefit from near-universal enforceability under the 1958 New York Convention, mediated settlements traditionally required separate national proceedings to compel compliance⁵⁹. This gap has begun to close with the *United Nations Convention on International Settlement Agreements Resulting from Mediation*⁶⁰. As of 2024, 56 states have signed and 13 have ratified the treaty, which allows mediated settlements to be directly enforced by domestic courts in signatory jurisdictions . However, limited ratification means many esports disputes still fall outside its protective scope, particularly in jurisdictions central to the gaming industry, such as Japan, South Korea, and China. Thus, while the Singapore Convention represents a transformative development, achieving universal adoption remains an ongoing challenge.⁶¹

6.5 Bridging the Structural Gaps in Esports Mediation

The evolution of esports into a global commercial and cultural enterprise has outpaced its legal and

⁵⁶ Esports Integrity Commission, *Our Codes*, <https://esic.gg/codes/> (last visited Mar. 31, 2026).

⁵⁷ International Esports Federation, *About IESF*, <https://iesf.org/about/> (last visited Mar. 31, 2026).

⁵⁸ Court of Arbitration for Sport, *What Is the CAS?*, <https://www.tas-cas.org/en/general-information/frequently-asked-questions.html> (last visited Mar. 31, 2026).

⁵⁹ Convention on the Recognition and Enforcement of Foreign Arbitral Awards, June 10, 1958, 330 U.N.T.S. 3.

⁶⁰ United Nations Convention on International Settlement Agreements Resulting from Mediation, Dec. 20, 2018, U.N. Doc. A/RES/73/198.

⁶¹ United Nations Commission on International Trade Law, *Status: United Nations Convention on International Settlement Agreements Resulting from Mediation*, https://uncitral.un.org/en/texts/mediation/conventions/international_settlement_agreements/status (last visited Mar. 31, 2026).

institutional maturity. The absence of standardized mediation clauses, entrenched power asymmetries between publishers and participants, jurisdictional fragmentation, and the incomplete reach of the Singapore Convention collectively hinder the emergence of a cohesive dispute resolution framework. These systemic barriers not only escalate transaction costs and procedural uncertainty but also erode stakeholder confidence in the fairness and predictability of esports governance.

Ultimately, the path forward lies in transforming mediation from a reactive, ad hoc process into a proactive, institutionalized standard one that balances innovation with fairness, harmonizes global enforcement, and restores equilibrium between powerful publishers and vulnerable participants. Such a transformation would not only enhance dispute resolution efficiency but also strengthen the legitimacy, integrity, and sustainability of the esports ecosystem on a global scale.

7. Blueprint for Reform

The esports industry, though commercially mature, continues to rely on fragmented and ad hoc mechanisms for dispute resolution. To address these deficiencies, a coordinated reform agenda integrating professional accreditation, institutional endorsement, and technological innovation is essential. Such a framework would transform mediation from a peripheral alternative into the structural foundation of esports dispute governance.

7.1 Establishing Mediator Accreditation for Esports

Professional accreditation is fundamental to building credibility and competence in esports mediation. Mediators must possess both domain expertise and procedural neutrality. The World Intellectual Property Organization (WIPO) offers an instructive model through its global network of over 2,000 neutrals specializing in IP, technology, and commercial disputes.

An esports-specific accreditation program should rest on three pillars:

1. Fluency in game software architecture, licensing, and digital assets;
2. Commercial Insight expertise in sponsorships, streaming rights, and team contracts; and
3. Cultural Awareness sensitivity to esports' international, community-based character.

This specialized framework, modelled after WIPO's mediator training programs, would standardize

professional quality while ensuring that neutrals understand the distinctive economic and cultural contours of the esports sector.

7.2 Institutional Recognition of Esports Mediation

Institutional endorsement is key to legitimizing mediation as a central mechanism in esports. A collaborative framework between WIPO, the Esports Integrity Commission (ESIC), and national esports federations could formalize mediation as an industry norm. Drawing on WIPO's partnerships with over fifty national IP offices, esports bodies could establish shared mediator rosters, referral pathways, and recognition protocols. This would elevate mediation from an optional alternative to a default expectation for resolving esports disputes.

7.3 Integration of Online Dispute Resolution (ODR)

Given the digital nature of esports, integrating Online Dispute Resolution (ODR)⁶² tools are both logical and transformative. Platforms such as WIPO's e-ADR already provide secure case management, virtual hearings, and automated filing systems that align perfectly with esports' online operations. Embedding ODR tools in mediation processes enhances accessibility, reduces procedural costs, and overcomes geographical barriers. Encryption and digital authentication mechanisms preserve confidentiality, while real-time coordination across time zones ensures procedural efficiency⁶³. These capabilities have already demonstrated success in WIPO's IP dispute programs, which resolve cases significantly faster and at lower cost than traditional proceedings.⁶⁴

7.4 Mandating WIPO-Aligned Mediation Clauses

To close the contractual gap identified in earlier analyses, esports organizations should institutionalize WIPO-aligned mediation clauses in all key agreements. These provisions modelled on WIPO's "mediation-then-arbitration" (Med-Arb) template make mediation the default entry point for dispute resolution while ensuring finality through arbitration if settlement fails. Embedding such clauses in player

⁶² World Intellectual Property Organization (WIPO), *WIPO eADR: Online Case Management Platform for Mediation and Arbitration* (2023)

⁶³ Pasham Abhinay Reddy, *Online Dispute Resolution: A New Era for India's Justice System? Analysing the Growth and Effectiveness of ODR Platforms in Resolving Disputes Outside Traditional Courts* (Feb. 21, 2025), SSRN, <https://ssrn.com/abstract=5149527>

⁶⁴ *Esports Integrity Commission (ESIC), Code of Conduct and Disciplinary Procedure* (2024)

contracts, sponsorship agreements, and tournament regulations would institutionalize a culture of cooperative conflict management. It would also prevent escalation into large-scale litigation, as seen in *Epic Games, Inc. v. Apple, Inc.*⁶⁵, by requiring parties to pursue collaborative mediation before formal adjudication.⁶⁶

7.5 Toward a Standardized Global Model

The esports industry's meteoric rise has far outpaced its legal and institutional infrastructure, creating systemic risks to fairness, efficiency, and investor confidence. Mediation supported by accredited professionals, institutional partnerships, ODR integration, and standardized clauses offer the most pragmatic and future-ready solution. As Jeff Benz emphasizes, effective esports dispute resolution must “be flexible enough to adapt to market realities” and avoid “one-size-fits-all approaches”. Mediation embodies precisely these attributes: it is confidential, cost-efficient, and relationship-preserving. If implemented through WIPO-aligned reforms, mediation can evolve into the global standard for esports dispute resolution transparent, enforceable, and capable of safeguarding both innovation and integrity across the digital sports economy.

8. Conclusion

The esports industry has evolved from a niche pastime into a sophisticated global economy that merges technology, entertainment, and commerce. Yet, its governance and legal structures have not kept pace with this rapid expansion, leaving a fragmented regulatory environment marked by contractual disputes, power imbalances, and jurisdictional uncertainty. Traditional litigation slow, costly, and territorially bound is fundamentally mismatched with the cross-border, digital nature of esports. Mediation, by contrast, provides an agile, confidential, and efficient mechanism that aligns with the industry's pace and complexity. Its collaborative, interest-based process allows parties to preserve vital commercial relationships and craft creative, forward-looking solutions that traditional adjudicatory systems rarely achieve. Beyond resolving disputes, mediation strengthens commercial cooperation and encourages innovation, offering a pragmatic pathway to sustainable governance within a volatile and competitive

⁶⁵ *Epic Games, Inc. v. Apple, Inc.*

⁶⁶ World Intellectual Property Organization, *WIPO Mediation Workshops and Training Programs*, <https://www.wipo.int/amc/en/events/workshops/> (last visited Mar. 31, 2026).

ecosystem.

For mediation to realize this potential, it must be supported by strong institutional and procedural frameworks. Collaboration between entities like the International Games and Esports Tribunal (IGET) and the World Intellectual Property Organization (WIPO) can establish the structural legitimacy and neutrality needed to make mediation a global standard. Embedding mediation clauses in contracts, accrediting specialized mediators, and integrating online dispute resolution platforms will further ensure accessibility, consistency, and enforceability across borders. Institutionalizing these mechanisms will transform mediation from a peripheral option into the cornerstone of global esports governance, one that ensures fairness, transparency, and long-term commercial stability. Ultimately, by embracing mediation as a primary mode of dispute resolution, the esports industry can safeguard its integrity while fostering trust, innovation, and sustainable growth in the digital sporting economy.